

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-1837/4</b>	<b>Introduction Number</b> <b>SB-271</b>
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**Description**  
 Prohibiting the manufacture and sale at wholesale of certain baby bottles and cups for children that contain bisphenol A, creating labeling requirements, making an appropriation, and providing penalties

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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**Local:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> DA/ Phil Werner (608) 267-2700	<b>Authorized Signature</b> Phil Werner (608) 267-2700	<b>Date</b> 8/28/2009
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## Fiscal Estimate Narratives

DA 8/28/2009

LRB Number	<b>09-1837/4</b>	Introduction Number	<b>SB-271</b>	Estimate Type	<b>Original</b>
<b>Description</b> Prohibiting the manufacture and sale at wholesale of certain baby bottles and cups for children that contain bisphenol A, creating labeling requirements, making an appropriation, and providing penalties					

### Assumptions Used in Arriving at Fiscal Estimate

Generally prosecutors believe that enactment of this bill will not have a significant fiscal impact on their offices, particularly if the investigation, initial enforcement, and prosecution would be performed by DATCP rather than DAs.

### Long-Range Fiscal Implications

Prosecutors don't anticipate a significant long-term fiscal impact on their offices if this bill were to be enacted.

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<b>Description</b> Prohibiting the manufacture and sale at wholesale of certain baby bottles and cups for children that contain bisphenol A, creating labeling requirements, making an appropriation, and providing penalties	
<b>Fiscal Effect</b>	
<b>State:</b>	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues
<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
<b>Local:</b>	
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
<b>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>
DATCP/ Michelle Reinen (608) 224-5160	Bill Walker (608) 224-4353
<b>Date</b>	
11/10/2009	

## Fiscal Estimate Narratives

DATCP 11/10/2009

LRB Number	<b>09-1837/4</b>	Introduction Number	<b>SB-271</b>	Estimate Type	<b>Original</b>
<b>Description</b> Prohibiting the manufacture and sale at wholesale of certain baby bottles and cups for children that contain bisphenol A, creating labeling requirements, making an appropriation, and providing penalties					

### Assumptions Used in Arriving at Fiscal Estimate

This bill prohibits the manufacture, sale or offer to sell at wholesale, in Wisconsin, of baby bottles or spill-proof cups, primarily intended for use by children 5 years or younger, that contain bisphenol A (BPA). The bill also provides that the department may enforce the statute either as a civil forfeiture or as a request for injunctive relief.

Since one cannot see BPA, one has to test for it. The department's understanding is that there is no nationally agreed upon standard for testing which leave the evidentiary value of the test results in question. Moreover, testing would have to be conducted by an outside laboratory and preliminary inquiries indicate that each test could cost approximately \$500.

The legislation does provide that if a court imposes a fine or forfeiture, a BPA surcharge shall be imposed equal to 50% of the amount of the fine or forfeiture, of which money will come to the department.

At this time the department does not have the funding necessary to conduct testing. If it did have funds available, it is unknown how many tests would need to be conducted before determining a business was in violation of the law. The bill does provide for a labeling requirement, however, this is not an assurance of compliance by the business and it could be argued that even those bottles could be subject to testing for compliance.

Should a business be discovered through testing, it would then be left to the courts to decide on the evidentiary value of the test. Should the courts side in the departments favor, they still need to determine the amount of the forfeiture to be paid. Based on that amount, 50% could go into a fund to cover testing, which may or may not be enough to recover the initial costs of that testing and any other testing done.

### Long-Range Fiscal Implications



## Fiscal Estimate Narratives

DOJ 11/4/2009

LRB Number	09-1837/4	Introduction Number	SB-271	Estimate Type	Original
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### Assumptions Used in Arriving at Fiscal Estimate

2009 Senate Bill 271 creates Chapter 100.335, relating to child containers. Under 100.335 (2), no person may manufacture or sell, or offer for sale, at wholesale in this state a child's container that contains bisphenol A. Under 100.335 (3) (a), DATCP may commence an action in the name of the state to restrain by temporary or permanent injunction a violation of this section. Under 100.335 (3) (b), DATCP or a district attorney may commence an action in the name of the state to recover a forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of this section.

The Department of Justice does not anticipate a fiscal impact due to the enactment of 2009 Senate Bill 271.

### Long-Range Fiscal Implications